

BEFORE **POSTED**
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

August 3, 2004

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COMMISSION

In the Matter of)	DOCKET NO. 2004-219-E
)	
Petition of Progress Energy Carolinas, Inc))	RESPONDENT BEATRICE
To Terminate Service	)	WEAVER'S MOTION TO
	)	CONTINUE DATE OF
	)	HEARING; EXTENSION
	)	OF TIME FOR FILING OF
	)	PLEADINGS; AFFIDAVIT OF
	)	BEATRICE WEAVER;
	)	CERTIFICATE OF SERVICE

**RESPONDENT BEATRICE WEAVER'S MOTION TO CONTINUE DATE OF
HEARING AND FOR EXTENSION OF TIME FOR FILING PLEADINGS**

Comes now Respondent Pro Se Beatrice Weaver and timely files this second **Motion To Continue Date of Hearing and for Extension of Time for Filing of Pleadings**. This motion is filed for good cause pursuant to rules and regulations of the Public Service Commission of South Carolina ("Commission") **R. 103-842** for extension of time for filing pleadings; **R.103-862** for continuance of Hearing Date; **R. 103-854** for Other Discovery; **Rule 6 (b),(d), and (e)** and **Rule 7** of the South Carolina Rules of Civil Procedure (SCRCP).

This motion is timely filed in response to the Commission's Order dated December 3, 2004, a copy of which is attached hereto as **Exhibit B** and by reference made part hereof. Said Order has set a Hearing date in this matter for March 10, 2005.

The specific grounds for this motion are medical (cancer) as documented herein, and Respondent's unavoidable absence from the State for several months.

As documented in the pleadings, Respondent's first motion to continue was based on Respondent's serious eye surgery, which condition continues and is expected to continue for some-time under treatment at Duke Medical Center.

Subsequent to the onset of that serious medical condition, in the month of October 2004, Respondent was diagnosed with carcinoma following medical tests, examinations and consultations at St. Eugene Hospital in Dillon, S.C. In the intervening months, Respondent has been subjected to a number of serious on-going medical tests, examinations and consultations at the Morris Cancer Center at Duke University Medical Hospital. Respondent has been informed that the treatment is surgery followed by radiation. The treatment is expected to commence in the month of February 2005 and to continue for several weeks, well into April 2005, followed by a required convalescence period. Respondent will be out of the State during this period in Durham, N.C., and Arizona for follow up treatments. See **Exhibit B** attached hereto and by reference made part hereof.

During the period October to date, Respondent has been unable to complete discovery and prepare for the Hearing due to the emotional and physical demands of the serious medical problems, Respondent in fact, is physically impaired with difficulty seeing and walking, for which Petitioner shall be held accountable in due course for damages and losses as a result of its frivolous and nuisance petitions and violations of Commission rules in this and other matters since December 21, 2004.

During the convalescence period, Respondent will make a good faith effort to initiate discovery and file direct testimony depending on the circumstances of the treatment, etc.

Respondent respectfully submits to the Commission that this motion meets its test for continuance of the March 10, 2005 Hearing and discovery procedures under "**the most exigent circumstances**" as noted in said Order. (See, last line, page 1.)

The Commission is respectfully requested to take judicial notice of prior relevant pleadings in this matter, and specifically: (1) Respondent's first **Motion for Continuance of Date of Hearing and Extension of Time for Filing of Pleadings and the attached Affidavit and Exhibits thereto**, timely filed on or about November 24, 2004, and (2) Respondent's **Answer and Counterclaim** timely filed on or about September 8, 2004

wherein Respondent refers to certain difficulties faced in processing this action, and the time extension requirements necessary to complete process for the defense and counterclaim attendant to Petitioner's fatuous allegations. Both pleadings are by reference incorporated herein as part hereof.

Respondent further submits that continuance of this matter for several months does not constitute any economic burden, losses or difficulties on Petitioner. As noted above Petitioner has in fact filed a frivolous and nuisance petition, simply to be vindictive and to cover up its violation of Commission rules, and the lies and mis-representations submitted to the Commission. It is Respondent that has suffered such damages and losses at the hands of Petitioner, not Petitioner.

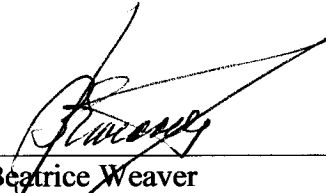
Last but not least, Respondent brings to the attention of the Commission that the Office of Regulatory Staff of South Carolina (ORS) has delayed the process of this case due to its inability and reluctance to deliver the report confirming the residential status of 1249 Harllees Bridge Road, Dillon since June 2004, and complete the investigation of my complaint against Petitioner for its violations of Commission rules. See **Exhibit D** hereto.

This motion is based on the grounds discussed above and in Respondent's Affidavit and Exhibits attached hereto and made part hereof, and the records and files of this matter. Respondent reserves the right to supplement said Affidavit and Exhibits prior to the hearing or disposition of this motion.

For just cause and good reason, pursuant to the Commission's rules and regulations, and SCRCR Rules cited hereinabove, Respondent moves the Commission for an order continuing the Hearing and to set a date and time certain at least sixty (60) days following the end of May 2005, until such time as Respondent will be physically able to complete discovery and attend the Hearing later this year of 2005, and commensurate extension of time for completion of discovery. As matters now stand it is medically and physically impossible for Respondent to be present on March 10, 2005 and continuance is in the interests of justice for Respondent.

Dated: Little Rock, Dillon County, S.C., February 8, 2004

Respectfully submitted.



Beatrice Weaver
Respondent Pro Se

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

August 3, 2004

In the Matter of	)	DOCKET NO. 2004-219-E
)	
)	
Petition of Progress Energy Carolinas, Inc)	)	AFFIDAVIT OF BEATRICE
To Terminate Service	)	WEAVER; EXHIBITS A-D;
	)	CERTIFICATE OF SERVICE
)	
_____)	

AFFIDAVIT OF BEATRICE WEAVER

County of Dillon)	
)	
State of South Carolina	)	SS.
_____)	

BEATRICE WEAVER, being first duly sworn upon her oath, hereinafter
“Affiant”, deposes and says as follows:

1. Affiant is a Respondent Pro Se in the above titled Petition.
2. On or about December 6, 2004, Respondent received a telefax message from Mr. F.David Butler, General Counsel for the Public Service Commission of South Carolina (“Commission”) informing me that the hearing in this matter had been continued until March 10, 2005. See, **Exhibit A** hereto by reference made part hereof. On or about December 23, 2004 I wrote Mr. Butler and requested a copy of the Order. A copy of said

Order was subsequently received by Affiant on or about January 21, 2005. See, **Exhibit B**, by reference made part hereof.

3. Said Order confirms the March 10, 2005 Hearing date, and stipulates certain other conditions, one of which is that further continuances would be granted only on "...the most exigent of circumstances..." This first request to continue the hearing date was granted on medical grounds as documented in the pleadings on file with the Commission.

4. As discussed in previous affidavits submitted in this action by Respondent, by reference made part hereof, Respondent has been undoing a series of eye surgeries and hospitalizations that have prevented her from processing this case in accordance with the time constraints and conditions imposed by the Commission and the excessive and abusive process practices of Petitioner. The Commission has been given ample advance notice of these adverse medical conditions that handicap Respondent in processing this case.

5. Since October 2004 Affiant has undergone a series of tests, examinations and consultations at St. Eugene Medical Hospital in Dillon S.C, and Duke University Medical Hospital in Durham, N.C. resulting in a diagnosis of carcinoma requiring major surgery and radiation treatment.

6. Said treatment is planned to commence in February 2005 and to continue for several weeks, including follow-up convalescence. The exact nature of the surgery and its impact is unpredictable at this stage, as is the scope of the radiation treatment. The exact duration of treatment and convalescence are not known but it is expected to last until April 2005, subject to medical results and further planning. See, **Exhibit C** hereto by reference made part hereof.

7. Affiant will be out of state in Durham N.C. and Arizona for the treatment and convalescence during these months.

8. Due to pre-occupation and the emotional and physical demand resulting from Affiant's continuing ill health involving serious eye surgery and the onset of carcinoma,

Affiant has been unable to process discovery and will not be able to complete discovery under the circumstances until after May 2005. Affiant will issue interrogatories, including requests for production of documents and admissions to certain parties and subsequent follow-up discovery on the basis of the initial discovery as may be needed. The Commission has been given previous advance notice that it will take considerable time for this discovery proceeding to be accomplished and request to relax the time constraints in the interest of deriving the facts and fair administration of justice.

9. As stated in previous pleadings and affidavits, because of poor health, poor eyesight and difficulty in walking, exacerbated by Petitioner's illegal actions against her, stress and physical impairment, seriously aggravated by the experience in dealing with Petitioner in this case with two frivolous and nuisance petitions, Affiant again respectfully reminds the Commission that she requires assistance for transportation purposes. There is no Law Library at the Dillon County Courthouse and Respondent lacks ready access to such reference and research resource, requiring additional time to prepare pleadings.


10. Affiant reminds the Commission that in the first motion to continue the Hearing date, Affiant specifically gave notice to the Commission that she reserves the right to apply for further extensions if circumstances demand it. Affiant respectfully submits that the present medical conditions and circumstances meet the Commission's test of "the most exigent circumstances."

11. Affiant is unable to complete discovery because the Office of Regulatory Staff of South Carolina ("ORS") has not submitted its report on my complaint duly filed with that Office against illegal threats of disconnect and other violations of Commission rules, and its report confirming the residential status of the residence at 1249 Harllees Bridge Road, Dillon S.C. after its inspection on November 29, 2004. This evidence is relevant and

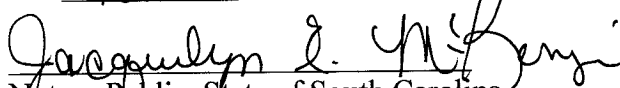
material to my case against Petitioner in this matter. See, **Exhibit D** a true copy hereto of Affiant's letter dated February 2, 2005 to the Commission's General Counsel, Mr. Butler, and by reference made part hereof. ORS has obstructed the investigation and neglected to do its duty in this matter, thus delaying Affiant's ability to process this matter.

12. I have resided at 1253 Harllees Bridge Road, Dillon, S.C. 29536 since about January 1995. My mailing address is P.O. Box 539, Little Rock SC 29567. I am a retired Senior Citizen in my late seventies and in extremely poor health. I make this affidavit from personal knowledge and belief of the facts of the case, and not for any improper purpose or to cause unnecessary delay in proceedings, or needless increase in the costs of this case. I am competent to make this deposition. I allege and aver that the facts are as follows and **Exhibits A to D** attached hereto are true and correct copies of the original documents and by reference are made part hereof.

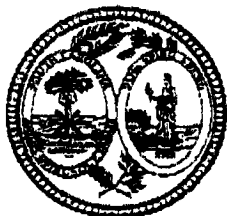
Further, Affiant sayeth naught.


Beatrice Weaver, Affiant

Subscribed and sworn before me
this 10th day of February, 2005.


Notary Public, State of South Carolina

My Commission expires: 2-8-06



The Public Service Commission State of South Carolina

Charles L.A. Terroni
Chief Clerk/Administrator
Phone: (803) 896-5133
Fax: (803) 896-5246

COMMISSIONERS
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Chairman
G. O'Neal Hamilton, Fifth District
Vice Chairman
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David A. Wright, Second District
Elizabeth B. "Lib" Fleming, Fourth District
Mignon L. Clyburn, Sixth District
C. Robert Mosley, At-Large

Legal Department
F. David Butler, General Counsel
Phone: (803) 896-5113
Fax: (803) 896-5231

PLEASE DELIVER THIS SHEET WITH MESSAGE

COVER SHEET PLUS 0 PAGE(S)

DATE 12-6-04

TO:

FROM:

Beatrice Weaver

✓ F. David Butler
General Counsel
(803) 896-5117

(COMPANY)

(CITY)

(STATE)

Jocelyn G. Boyd
Staff Counsel
(803) 896-5114

FAX NO. 843-841-1606

DN 2004-214-E

Mrs. Weaver:
The hearing has been continued until
March 10, 2005. An order will follow later.
Regards, David Butler, General
Counsel

COVER MESSAGE:

IF MESSAGE IS NOT CLEAR, PLEASE CALL RIGHT AWAY!

[LEGAL DEPARTMENT - (803) 896-5113]

[OUR FAX NUMBER IS - (803) 896-5231]

EXHIBIT A

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2004-219-E - ORDER NO. 2004-595
DECEMBER 3, 2004

IN RE: Petition of Progress Energy Carolinas, Inc. to) ORDER
Terminate Service.)
)
)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of Beatrice Weaver for a 3 month continuance of the December 9, 2004 hearing in this matter. The grounds for this motion are medical, as documented by letters from Ms. Weaver's physicians. Progress Energy Carolinas, Inc. (Progress Energy or the Company) opposes the continuance.

We grant the continuance, based on medical reasons as stated in the letters from Ms. Weaver's physicians. A hearing shall be held on March 10, 2005. Progress Energy has already prefiled its direct testimony in this matter. Ms Weaver and any other parties of record shall prefile their direct written testimony on or before February 17, 2005. Rebuttal testimony shall be filed on or before February 28, 2005. Parties filing surrebuttal testimony shall prefile this testimony on or before March 3, 2005.

Further, Ms. Weaver shall serve her response to Progress Energy's interrogatory on Progress Energy on or before February 3, 2005.

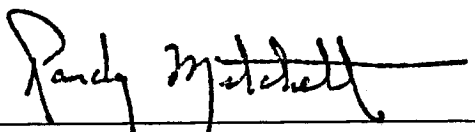
In addition, by way of this Order, all parties are hereby notified that this Commission, absent the most exigent circumstances, will not grant any further

EXHIBIT "B"

continuances in this Docket. By establishing a hearing date of March 10, 2005, all parties have been given ample and adequate notice to thoroughly prepare for the hearing.

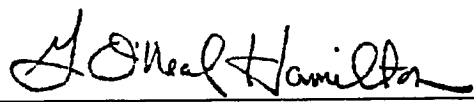
This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Randy Mitchell, Chairman

ATTEST:



G. O'Neal Hamilton, Vice Chairman

(SEAL)

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

DOCKETING DEPARTMENT

NOTICE OF RESCHEDULED HEARING

DOCKET NO. 2004-219-E

Pursuant to Public Service Commission of South Carolina ("the Commission") Rules 103-830 and 836, Commission Rules 103-842(e) and (f), and 103-844, and Progress Energy Carolinas, Inc.'s ("PEC") Service Regulations 1(h) and 11©, Progress Energy Carolinas, Inc. (PEC) petitions the Commission to grant PEC permission to terminate permanently the electric service to the three electric service accounts at 1253 Harlees Bridge Road, Little Rock, South Carolina, under the names of Gary Weaver, Beatrice Weaver, and Renaissance International, Inc.

PLEASE TAKE NOTICE that a hearing on the above matter previously scheduled for Thursday, December 9, 2004 at 10:30 AM has been **rescheduled** for **Thursday, March 10, 2005 at 10:30 AM** before the Commission in the Commission's Hearing Room at 101 Executive Center Drive, Saluda Building, Columbia, South Carolina.

Persons seeking information about the Commission's procedures should contact the Commission's offices by dialing (803) 896-5100

Public Service Commission of South Carolina
Attn: Docketing Department
Post Office Drawer 11649
Columbia, South Carolina 29211

1/20/05



DUKE UNIVERSITY HOSPITAL
Duke University Health System

January 11, 2005

To Whom It May Concern:

Mrs. Beatrice Weaver is currently a cancer patient of Dr. Ellen Jones at the Duke Cancer Center in Durham, NC. She will be receiving daily radiation therapy starting on February 15, 2005 through April 10, 2005. During her treatment, Mrs. Weaver will be residing in Durham. Thus providing her access to her treatments and medical providers.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan Green'.

Alan Green, MSW, LCSW
Duke Cancer Center
Duke University Health System

EXHIBIT C.

To: F. David Butler, Esq.
General Counsel
S.C. Public Service Commission
PO Drawer 11649
Colombia S.C. 29211
Ph: 1803 896 5113; Fx: 1 803 896 5231

From: Beatrice Weaver
PO Box 539 Little Rock SC 29567
Ph/Fax: 1 843 841 1606

Subject: Objections to Order No. 2004-595 re Hearing on March 10, 2005

Ref: Case No: 2004-219-E

Date: February 2, 2005

Telefax Transmission to Mr. Butler:

Total Pages: 10 plus cover sheet

EXHIBIT D.

To: F. David Butler, Esq.
General Counsel
S.C. Public Service Commission
PO Drawer 11649
Colombia S.C. 29211
Ph: 1803 896 5113; Fx: 1 803 896 5231

From: Beatrice Weaver
PO Box 539 Little Rock SC 29567
Ph/Fax: 1 843 841 1606

Subject: Objections to Order No. 2004-595 re Hearing on March 10, 2005

Ref: Case No: 2004-219-E
Your fax memo dated 12/6/04

Date: February 2, 2005

Mr. Butler:

Further to my memorandum to you dated December 23, 2004, please be advised that I have recently received the subject Order No. 2004-595. I note certain stipulations in the Order which I bring now to your attention for comment and formally for the record in the case.

First, the response to the PEC Interrogatory will be duly served on the utility. However, as pointed out in the attached memorandum to the Office of Regulatory Staff (ORS), which I am hereby filing with your Office for the record, I have been unable to do so, and will not be able to until and unless I receive the report from the ORS as stated in the said memorandum by reference included herein for your file and for report to the Commission.

Any delays have been caused by the willful and knowing neglect of the ORS in handling this matter since last June 2004. That Office must be held accountable by the Commission for preventing timely processing of the case, not me. I have done everything reasonable to proceed in a responsible, reasonable and timely manner. Please refer to the numerous correspondence filed at the ORS with Mr. Chad Campbell since last June 2004.

For the record, I object to the subject Interrogatory In Toto, and to each and every question contained therein, (other than basic information and personal data) as irrelevant, immaterial and a violation of my privacy.

Further, the utility is using the Interrogatory for purposes other than processing of the pending Petition before the Commission. In that regard, the utility is in violation of the privileges and responsibilities of due process. The Interrogatory is clearly excessive in scope and purpose beyond any reasonable inquiry for the purposes of processing the Petition. The utility is attempting to use the Interrogatory with respect to other litigation in the courts, not before the Commission.

Notwithstanding the negligence of the ORS and Mr. Chad Campbell in processing the case, and the excesses of the utility with its irrelevant and immaterial Interrogatory, this memorandum focuses on the Commission's statement that all parties have been given ample and adequate notice to thoroughly prepare for the Hearing scheduled for March 10, 2004.

My first question to you as Counsel for the PSC and the ORS, in view of the afore-stated negligence and lack of responsible cooperation in the case, is whether or not the Office of Regulatory Staff have been proper notice as stated.

The ORS has been ostensibly investigating my complaint against PEC which has a direct bearing on the ridiculous and frivolous PEC Petition that is pending. Since June 2004 the ORS through its Mr. Campbell, has been grossly negligent in conducting its so-called "investigation", and has deliberately obstructed my progress. **The net result is that the ORS/Mr. Campbell have delayed my ability to even begin, much less respond to the utility's Interrogatory and complete my discovery process in this case.**

Also enclosed herewith for your attention as Counsel, is a copy of my recent "Final Request" to Investigator II, Mr. Chad Campbell of the ORS. It is self explanatory.

Therefore this memorandum thus constitutes a formal advice to your Office and serves for the record and future reference at the Hearing and later in Court, that the negligence in attending to my complaints as well as the delaying tactics of the ORS and especially Mr. Campbell, obstructed and delayed my discovery process necessary for the subject hearing, and the utility's Interrogatory.

I am still waiting for my receipt of Mr. Campbell's report confirming the residential building status which Ms. Pam Hardy of PEC illegally and incorrectly changed in June 2004 to "small commercial". **I shall not be able to follow up and commence the discovery process that is based directly on that incident relative to the pending Petition, unless and until I receive the said report.**

As an attorney you will understand that the respective thirty day periods for PEC responses to my discovery requests shall of necessity be delayed as a direct result of the ORS and Mr. Campbell's negligence, and apparently intentional delaying tactics to protect the interests of PEC. The lack of progress of Mr. Campbell's investigation and report to me, and the willful and negligent obstruction of due process in that regard lies directly at the feet of the ORS and Mr. Campbell.

After some six months of delay since June 2004, Mr. Campbell finally managed to inspect the property on November 29, 2004 and after some two months he still did not submit his report to me. He promised it would be forthcoming in less than six days. There is still no response from Mr. Campbell despite some seven or so requests for the report which I need in order to start my formal discovery process with PEC.

Mr. Campbell's willful delay in attending to this matter has abrogated my legal rights to a complete discovery process to which I am entitled under the Commission rules and SCRCF, which violations of the rules seem to be a daily occurrence in dealing with the Commission and the ORS.

Furthermore, during this discovery process, I expect PEC to be obstructive and employ delaying and uncooperative tactics in keeping with its past pattern and practice of violating the Commission's rules, always willingly accommodated by the Commission and the staff.

For example, witness the frivolous and nuisance first “Waiver Petition” which the Commission recently approved in the face of no investigation by the Commission, no evidence whatsoever, contrary to the facts, and despite the false and misleading allegations of PEC. Not even sworn affidavits were used by the Commission in reaching its clearly biased decision on that Petition in favor of PEC. The utility has the Commission well and truly wrapped around its little finger performing like an Indonesian puppet. I object to that Order granting the waiver as requested on grounds, inter alia, that it was groundless in fact.

I expect no better response from the Commission concerning the second frivolous and nuisance Petition that is pending, and anticipate the usual puppet response and the necessity of filing an appeal to the higher court in order to get at least the semblance of a fair hearing.

For the record, I am holding Mr. Chad Campbell, the executives and the ORS respectively, **fully legally liable and accountable**, not just for the obstruction of due process and proper legal procedure in this matter especially since November 29, 2004, but also for the deliberate delay since June 2004 of all procedures. That is a matter of record documented by my numerous correspondences to the ORS requesting action and decisions since May 2004, some nine months now. See the file in the record.

Obviously at this stage, given the ORS delays in this matter, there is no way that my case can be completed and my case properly prepared by March 10, 2005. As noted, the ORS obstruction and delays in responding since June 2004 and November 29, 2004 are deliberately subverting my ability to complete discovery and thereby preventing preparation of my case.

As noted, I am thus holding the ORS and Mr. Campbell fully liable and accountable for the many damages and losses and gross emotional suffering that ORS has directly and indirectly caused and contributed in protecting PEC’s continuing and repeated violations of Commission rules, and thus enabling PEC to engage in a cover-up of Ms. Pam Hardy’s and Mr. Len Anthony’s violations in this matter, not to mention the misrepresentations, obfuscations, lies and fabrications they have filed with the Commission.

The PSC may not hold me accountable for performing in a timely manner in this case, but must hold the ORS and Mr. Chad Campbell accountable and liable for their obdurate reluctance to doing their duty of consumer protection in an unbiased, cooperative, and timely manner. NOT ME!

In fact this whole case is not about me, but about the unholy alliance between the regulated and the regulators. That is a matter for the General Assembly and the court of public opinion which I intend to pursue at the appropriate time.

Conclusion.

Please mail me return at your earliest convenience, the specific State statutes, Commission rules and regulations, and any specific Administrative law that provide me with direction as to filing an appeal against the ORS and its non-performance as discussed above.

I am not asking for legal advice, merely the reference, citations and copies of the specific provisions that permit me to force the issue in order to proceed. Can your Office

compel the ORS to send me the report? If not, which office can? It is not yet clear to me to which Office or Agency the ORS is accountable and responsible, other than the Legislature of course.

It seems that the ORS does not yet have its own rules and regulations relating to this question. Based on your earlier memorandum to me on the dearth of consumer protection laws and procedures in this State, it seems the consumer has no recourse short of filing a suit in Circuit Court. That is inevitable in this case, as I expect nothing from the Commission that does not favor PEC. It is not clear to me if any Administrative laws or regulations are yet in effect with respect to the operations of the new ORS and its staff.

As a final comment, this is a case of an S.C. consumer forced to act Pro Se, pitted against a billion dollar N.C. for-profit utility, and an S.C. government agency that appears to take sides with the utility as a matter of course, against the very consumers it is mandated by the law to protect. I intend to take this up with the Legislature and of course the media will be involved.

Thank you for your attention to this matter at your earliest convenience. Given the subject Order and the demonstrated obstruction of the ORS, time is of the essence.

Thank you.

B.E. Weaver

cc: Executive Director, PSC
Executive Director, ORS
Mr. Chad Campbell, Investigator II, ORS
Len S. Anthony, Esq.
Deputy General Counsel-Regulatory Affairs
Progress Energy Service Co., LLC
P.O. Box 1551
Raleigh, N.C. 27602-1551
Ph: 1 919 546 6367
Fax: 1 919 546 2694
Counsel for Progress Energy

Attach: Copies of memoranda to ORS (3): Dec. 29, 2004; Jan. 20, 2005; Feb. 2, 2005

Via telefax and US mail.

Confirmation copy for legal reference.